

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04cr278**

UNITED STATES OF AMERICA

vs.

TOMMY JEMACCO McCROREY

ORDER

THIS MATTER is before the Court upon motion of the defendant for detention review hearing and release pending sentencing, or in the alternative, temporary release to attend the funeral of his sister on March 1, 2006. (Doc. No. 17).

The defendant pled guilty to a one-count indictment on September 2, 2005, charging a violation of 18 U.S.C. 922(g). (Doc. No. 15: Plea Agreement; Doc. No. 16: Acceptance and Entry of Guilty Plea). According to information presented during the original detention hearing, the defendant engaged in a gun battle with another person following a verbal argument. After fleeing the scene, he attempted to hide the gun to avoid prosecution. The defendant later admitted his involvement in the shooting to police. At the time of the offense, the defendant was on state probation. The defendant had previously been convicted of assault with a deadly weapon on a government official in a North Carolina state court on August 31, 2000.

Upon review of the record, even in a light most favorable to the defendant, the Court finds the circumstances alleged by the defendant are insufficient for this Court to alter the Order of Detention, particularly in light of the defendant's violent criminal history and lack of compliance with previous conditions of release.

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the U.S. Probation office.

Signed: February 28, 2006

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

